

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALFRED E. DIXON,

No. C 08-03832 SBA (PR)

Petitioner,

**ORDER DIRECTING PETITIONER TO  
FILE AN AMENDED PETITION**

v.

EDMUND G. BROWN, JR., Warden,

Respondents.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On May 3, 2010, the Court issued an Order granting Petitioner's request for a stay of proceedings while he returned to state court to exhaust his administrative remedies. The Court also stated:

Nothing further will take place in this action until Petitioner receives a final decision from the California Supreme Court and, within **thirty (30) days** of doing so, moves to reopen the action, lift the Court's stay and amend the stayed petition to add the newly-exhausted claims.

(May 3, 2010 Order at 3.)

On January 24, 2011, Petitioner informed the Court that his state proceedings had concluded; however, he did not amend the stayed petition to add the newly-exhausted claims. Therefore, Petitioner must file an amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in federal court, as directed below.

**CONCLUSION**

1. No later than **thirty (30) days** of the date of this Order, Petitioner must file an amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in federal court. The Court will lift the stay on the date that Petitioner files his amended petition. Petitioner must submit the amended petition on the attached blank habeas petition form, clearly label the petition as the "Amended Petition," and write in the case number for this action on the form. He should also attach to his amended petition a copy of his petition to the California Supreme Court, if

1 the document is available to him. **If Petitioner fails to file an amended petition within the**  
2 **prescribed period, the Court will dismiss this action without prejudice for failure to prosecute.**

3 2. The Clerk of the Court shall send Petitioner a blank § 2254 habeas petition form.

4 IT IS SO ORDERED.

5 DATED: 3/1/11

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 ALFRED E DIXON,  
5  
6 Plaintiff,

Case Number: CV08-03832 SBA

7 v.

**CERTIFICATE OF SERVICE**

8 EDMUND G BROWN JR et al,  
9  
10 Defendant.

11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
12 Court, Northern District of California.

13 That on March 1, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
16 located in the Clerk's office.

17 Alfred E. Dixon F-11362  
18 Donovan State Prison  
19 P.O. Box 799002  
20 San Diego, CA 92179-9002

21 Dated: March 1, 2011

22 Richard W. Wieking, Clerk  
23 By: LISA R CLARK, Deputy Clerk  
24  
25  
26  
27  
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